

Amendments to the Drawings:

The attached drawing sheets include changes to Figures 1-3. The attached drawing sheets replace the original sheets including Figures 1-3. These Figures 1-3, are now labeled as prior art.

Attachment: Three Replacement Sheets

REMARKS/ARGUMENTS

Claims 1-20 were pending in this application before submission of this paper. The Office Action dated September 15, 2005 rejected Claims 1-20 under the judicially created doctrine of obviousness-type double patenting. The Office Action also objected to Figures 1-3 of the drawings. The Office Action further rejected Claims 1-7 and 10-20 under 35 U.S.C. § 103(a). Claims 8 and 9 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1, 6, 7, 9, 10 and 20 are amended. Claim 8 is cancelled. Claim 21 is newly added. No new matter has been added. Claims 1-7 and 9-21 are currently pending in this application. For at least the following reasons, Applicants respectfully submit that the pending claims are in condition for allowance.

Double Patenting Rejection

Claims 1-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-17 of U.S. Patent No. 6,901,357 issued to *Patiejunas*. Claims 1-17 in *Patiejunas* are directed to method of simulating connection characteristics of a network. A driver accesses all outgoing and incoming network packets. A network packet is altered to simulate a connection characteristic of the network. The network packet may be altered to simulate transmission delay, limited bandwidth, packet dropping, packet fragmentation, packet duplication and packet reordering.

The claims of the present application are directed to a method and system for emulating a telephony driver to test an application to be used in a mobile device. Claim 1 of the present application, as amended, recites “sending a command from the application to an emulation telephony driver (ETD); translating the command to a network request; modeling a response to the network request; sending the response; and changing software code associated with the application when the network request is not successful, wherein the software code is changed based on the response.”

Claim 1 of the present application is patentably distinct from the claims in *Patiejunas*. *Patiejunas* is directed to computer network simulation. *Patiejunas* operates by manipulating

network packets. In contrast, Claim 1 of the present application is directed to “a method for emulating a telephony driver to test an application to be used in a mobile device...”

Furthermore, *Patiejunas* does not teach the invention as claimed in Claim 1 of the present invention. Claim 1 of the present invention, as amended, includes the step of “changing software code associated with the application when the network request is not successful, wherein the software code is changed based on the response.” Claim 1 of *Patiejunas* discloses “altering the stream of network packets to simulate an additional connection characteristic of the network...” However, this is not the same as “changing software code associated with the application when the network request is not successful, wherein the software code is changed based on the response.” Thus, Claim 1, as amended, is submitted to be patentably distinct from the claims of *Patiejunas* and notice to that effect is solicited.

Claims 10 and 20, as amended, include limitations substantially similar (albeit different in other important ways) to the limitations claimed in Claim 1. As discussed above, Claim 1 is patentably distinct from the claims of *Patiejunas*. Thus, Claims 10 and 20 are patentably distinct from the claims of *Patiejunas* for at least the same reasons as Claim 1, and notice to that effect is solicited.

Furthermore, dependent Claims 2-7, 9, 11-19 and 21 are patentably distinct from the claims of *Patiejunas* for at least the same reasons as the base claims on which they rely, and notice to that effect is solicited.

Drawing Objection

Figures 1-3 are objected to because only that which is old is illustrated. Applicants have amended the drawings such that Figures 1-3 are now labeled as Prior Art. Figures 1-3, as amended, are included in the Appendix beginning at page 11. Thus, the objection to the drawings is overcome.

Rejections under 35 U.S.C. § 103(a)

Claims 1-7, 10-16 and 18-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,504,800 issued to *Yehushua* in view of U.S. Patent Publication No.

2002/0169591 filed by. Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Yehushua* and *Ryzl* in view of U.S. Patent No. 5,794,128 issued to *Brockel*. Applicants respectfully disagree.

Claim 1 has been amended to include the limitation of Claim 8. Claim 8 is objected to but would be allowed if rewritten in independent form. Claim 1, as amended, recites “sending a command from the application to an emulation telephony driver (ETD); translating the command to a network request; modeling a response to the network request; sending the response; and changing software code associated with the application when the network request is not successful, wherein the software code is changed based on the response.”

Yehushua is directed to a cellular automated test set for testing cellular telephones. *Yehushua* discloses a radio frequency (RF) interface coupled to an RF input/output of the cellular telephone and a transmitter-receiver coupled at an RF input/output of the transmitter-receiver to the RF interface. The transmitter-receiver transmits a first message signal to and receives a second message signal from the cellular telephone via the RF interface. The second message signal is generated by the cellular telephone in response to the first message signal.

Ryzl is directed to a module for developing wireless device applications using an integrated emulator. *Ryzl* discloses development tools for use in the creation of the application and an emulator of the wireless device integrated with the module. The module may be included in an integrated development environment.

As is evidenced by the discussion above, neither *Yehushua*, *Ryzl*, nor any combination thereof teach “sending a command from the application to an emulation telephony driver (ETD); translating the command to a network request; modeling a response to the network request; sending the response; and changing software code associated with the application when the network request is not successful, wherein the software code is changed based on the response.” Thus, Claim 1, as amended, is submitted to be allowable and notice to that effect is solicited.

Claims 10 and 20, as amended, include limitations substantially similar (albeit different in other important ways) to the limitations claimed in Claim 1. As discussed above, Claim 1 is allowable. Thus, Claims 10 and 20 are allowable for at least the same reasons that Claim 1 is allowable, and notice to that effect is solicited.

Furthermore, dependent Claims 2-7, 9, 11-19 and 21 are allowable for at least the same reasons that the base claims on which they rely are allowable, and notice to that effect is solicited.

For at least the foregoing reasons, Claims 1-7 and 9-21 are submitted to be allowable, and notice to that effect is solicited.

CONCLUSION

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

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